

Senate Engrossed

State of Arizona
Senate
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 62

SENATE BILL 1036

AN ACT

AMENDING SECTIONS 36-2515, 36-2531 AND 36-2542, ARIZONA REVISED STATUTES;
RELATING TO CONTROLLED SUBSTANCES.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-2515, Arizona Revised Statutes, is amended to
3 read:

4 36-2515. Substances in schedule IV

5 A. The following controlled substances are, unless specifically
6 excepted, included in schedule IV:

7 1. Any material, compound, mixture or preparation which THAT contains
8 any quantity of the following substances having a potential for abuse
9 associated with a stimulant effect on the central nervous system, including
10 its salts, isomers (whether optical, position or geometric) and salts of such
11 isomers whenever the existence of such salts, isomers and salts of isomers
12 is possible within the specific chemical designation:

- 13 (a) Cathine (+(4)-norpseudoephedrine).
- 14 (b) Diethylpropion.
- 15 (c) Fencamfamin.
- 16 (d) Fenproporex.
- 17 (e) Mazindol.
- 18 (f) Mefenorex.
- 19 (g) Pemoline (including organometallic complexes and chelates
20 thereof).
- 21 (h) Phentermine.
- 22 (i) Pipradrol.
- 23 (j) SPA((-)-1-dimethylamino-1, 2-diphenylethane).
- 24 (k) Butorphanol.
- 25 (l) Modafinil.
- 26 (m) Sibutramine.

27 2. Any material, compound, mixture or preparation which THAT contains
28 any quantity of the following substances having a potential for abuse
29 associated with a depressant effect on the central nervous system, including
30 its salts, isomers and salts of isomers whenever the existence of such salts,
31 isomers and salts of isomers is possible within the specific chemical
32 designation:

- 33 (a) Alprazolam.
- 34 (b) Barbitol.
- 35 (c) Bromazepam.
- 36 (d) Camazepam.
- 37 (e) Chloral betaine.
- 38 (f) Chloral hydrate.
- 39 (g) Chlordiazepoxide.
- 40 (h) Clobazam.
- 41 (i) Clonazepam.
- 42 (j) Chlorazepate.
- 43 (k) Clotiazepam.
- 44 (l) Cloxazolam.
- 45 (m) Delorazepam.

- 1 (n) Diazepam.
- 2 (o) DICHLORALPHENAZONE.
- 3 (p) Estazolam.
- 4 (q) Ethchlorvynol.
- 5 (r) Ethinamate.
- 6 (s) Ethyl loflazepate.
- 7 (t) Fludiazepam.
- 8 (u) Flunitrazepam.
- 9 (v) Flurazepam.
- 10 (w) Halazepam.
- 11 (x) Haloxazolam.
- 12 (y) Ketazolam.
- 13 (z) Loprazolam.
- 14 (aa) Lorazepam.
- 15 (bb) Lormetazepam.
- 16 (cc) Mebutamate.
- 17 (dd) Medazepam.
- 18 (ee) Meprobamate.
- 19 (ff) Methohexital.
- 20 (gg) Methylphenobarbital (methobarbital).
- 21 (hh) Midazolam.
- 22 (ii) Nimetazepam.
- 23 (jj) Nitrazepam.
- 24 (kk) Nordiazepam.
- 25 (ll) Oxazepam.
- 26 (mm) Oxazolam.
- 27 (nn) Paraldehyde.
- 28 (oo) Petrichloral.
- 29 (pp) Phenobarbital.
- 30 (qq) Pinazepam.
- 31 (rr) Prazepam.
- 32 (ss) Quazepam.
- 33 (tt) Temazepam.
- 34 (uu) Tetrazepam.
- 35 (vv) Triazolam.
- 36 (ww) Zaleplon.
- 37 (xx) Zolpidem.

3. Fenfluramine.

4. Any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts, calculated as the free anhydrous base or alkaloid, in limited quantities of not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit.

5. Any material, compound, mixture or preparation which THAT contains any quantity of the following substances, including its salts:

(a) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane).

(b) Pentazocine.

B. The board may except by rule any compound, mixture or preparation containing any substance listed in this section from the application of all or any part of this chapter if the compound, mixture or preparation contains one or more active medicinal ingredients and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiates the potential for abuse.

Sec. 2. Section 36-2531, Arizona Revised Statutes, is amended to read:

36-2531. Prohibited acts; classification

A. It is unlawful for any person:

1. Who is subject to article 3 of this chapter to intentionally or knowingly distribute or dispense a controlled substance in violation of section 36-2525.

2. Who is a registrant to intentionally or knowingly manufacture a controlled substance not authorized by such THAT person's registration or to intentionally or knowingly distribute or dispense a controlled substance not authorized by such THAT person's registration to another registrant or other authorized person.

3. To intentionally or knowingly refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this chapter.

4. To intentionally or knowingly refuse an entry into any premises for any inspection authorized by this chapter.

5. To knowingly dispense or deliver anabolic steroids without a written prescription or for a nontherapeutic use.

6. To intentionally or knowingly sell, buy, exchange or give away any preparation subject to section 36-2516, unless the preparation is to be used for a legitimate medical purpose and in compliance with title 36, chapter 27 THIS CHAPTER.

B. Notwithstanding any other law, any person who violates any provision of subsection A of this section is guilty of a class 4 felony.

C. It is unlawful for any person intentionally or knowingly:

1. To distribute as a registrant a controlled substance classified in schedule I or II, except pursuant to an order form as required by section 36-2524.

2. To furnish false or fraudulent material information in, or omit any material information from, any application, report or other document required to be kept or filed under this chapter or any record required to be kept by this chapter.

D. A person who violates any provision of subsection C of this section is guilty of a class 4 felony.

1 E. A PERSON SHALL NOT PROVIDE A FALSE PRESCRIPTION FOR A CONTROLLED
2 SUBSTANCE OR KNOWINGLY OR INTENTIONALLY ACQUIRE OR OBTAIN POSSESSION OF A
3 CONTROLLED SUBSTANCE BY MEANS OF FORGERY, FRAUD, DECEPTION OR SUBTERFUGE,
4 INCLUDING THE FORGERY OR FALSIFICATION OF A PRESCRIPTION OR THE NONDISCLOSURE
5 OF A MATERIAL FACT. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
6 CLASS 4 FELONY.

7 F. Controlled substances, vehicles and items used or intended for
8 use in violation of this chapter are subject to seizure and forfeiture in the
9 manner provided in title 13, chapter 39.

10 Sec. 3. Section 36-2542, Arizona Revised Statutes, is amended to read:

11 36-2542. Cooperation of agencies

12 A. The board and department shall cooperate with federal and other
13 state agencies in discharging responsibilities concerning traffic in
14 controlled substances and in suppressing the abuse of controlled substances,
15 INCLUDING THE DISSEMINATION OF INFORMATION TO LAW ENFORCEMENT AGENCIES
16 RELATING TO ANY PERSON WHO IS KNOWN TO HAVE VIOLATED OR WHO IS SUSPECTED OF
17 VIOLATING THIS CHAPTER TO OBTAIN A CONTROLLED SUBSTANCE IN VIOLATION OF
18 SECTION 36-2531.

19 B. Results, information and evidence received from the United States
20 drug enforcement administration relating to the regulatory functions of this
21 chapter, including results of inspections conducted by it, may be relied and
22 acted upon by the board or department in the exercise of its regulatory
23 functions under this chapter.

APPROVED BY THE GOVERNOR APRIL 23, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2002.

STATE OF ARIZONA
SENATE
APR 23 2002

Passed the House April 16, 20 02,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate February 11, 20 02,

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting

[Signature]
President of the Senate

Chaimin Ballington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

17 day of April, 20 02,

at 11:14 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 23 day of

April, 20 02,

at 11:20 o'clock P M.

[Signature]
Governor of Arizona

S.B. 1036

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 23 day of April, 20 02

at 3:29 o'clock P M.

[Signature]
Secretary of State